

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 97

Introduced by Hartnett, 45

Read first time January 9, 2003

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities of the metropolitan class; to amend
2 section 14-3,127, Reissue Revised Statutes of Nebraska,
3 and section 14-3,107, Revised Statutes Supplement, 2002;
4 to authorize the vacation of minimal secondary
5 rights-of-way as prescribed; to define a term; to
6 harmonize provisions; and to repeal the original
7 sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-3,107, Revised Statutes
2 Supplement, 2002, is amended to read:

3 14-3,107. (1) Except as provided in subsection (2) of
4 this section, the ~~The city is authorized to~~ may vacate or narrow
5 any street, highway, main thoroughfare, controlled-access facility,
6 connecting link, boulevard, major traffic street, or alley upon
7 petition of the owners of seventy-five percent of the taxable
8 frontage feet abutting upon such street or alley proposed to be
9 vacated and asking for such vacation, or the city, for purposes of
10 construction of a controlled-access highway, or to conform to a
11 master plan of the city, may, without petition having been filed
12 therefor, vacate any street or alley or any part thereof in the
13 city. Whenever a street is vacated or narrowed, the part so
14 vacated shall revert to the abutting owners on the respective sides
15 thereof, except that if part or all of the vacated street lies
16 within the State of Nebraska but one side or any part of the street
17 is adjacent to the boundary of the State of Nebraska, all of the
18 street lying within the State of Nebraska, or that part lying
19 within the State of Nebraska, shall revert to the owner of the
20 abutting property lying wholly within the State of Nebraska. The
21 city ~~is authorized to~~ may open, ~~to~~ improve, and ~~to~~ make passable
22 any street, highway, boulevard, main thoroughfare,
23 controlled-access facility, connecting link, major traffic street,
24 or alley. ~~The term open as used in this section~~ For purposes of
25 this subsection, open refers to the adaptation of the surface of
26 the street to the needs of ordinary travel, but does not
27 necessarily require the grading to an established grade. The costs
28 of any of the improvements mentioned in this section, except as

1 otherwise provided in sections 14-384 to 14-3,127, to the extent of
2 special benefits thereby conferred, may be assessed against the
3 property specially benefited thereby in the usual manner for
4 assessing special benefits. When the city vacates all or any
5 portion of a street, highway, main thoroughfare, controlled-access
6 facility, connecting link, boulevard, major traffic street, or
7 alley pursuant to this section, the city shall, within thirty days
8 after the effective date of the vacation, file a certified copy of
9 the vacating ordinance or resolution with the register of deeds for
10 the county in which the vacated property is located to be indexed
11 against all affected lots.

12 (2) The city may vacate any minimal secondary
13 right-of-way in the manner described in this subsection. The city
14 may vacate any segment of such right-of-way by ordinance without
15 petition and without convening any committee for the purpose of
16 determining any damages if all affected abutting properties have
17 primary access to an otherwise open and passable public street
18 right-of-way. Title to such vacated rights-of-way shall vest in
19 the owners of abutting property and become a part of such property,
20 each owner taking title to the center line of such vacated street
21 or alley adjacent to such owner's property, and such vacated
22 rights-of-way shall be taxable as such. For purposes of this
23 subsection, minimal secondary right-of-way means any street or
24 alley which either is unpaved, has substandard paving, or has
25 pavement narrower than sixteen feet and which is a secondary means
26 of access to or from any property abutting the portion to be
27 vacated.

28 Sec. 2. Section 14-3,127, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 14-3,127. In any of the improvements or alterations
3 authorized by sections 14-363, 14-364, 14-384 to 14-3,102, and
4 ~~14-3,107~~ 14-3,108 to 14-3,127 and subsection (1) of section
5 14-3,107 in which any of the cost of the improvements or
6 alterations is to be assessed in whole or in part to the abutting
7 property owners, the record owners of a majority of the frontage of
8 the taxable abutting property may, by petition filed with the city
9 within thirty days after notice of the improvements or alterations,
10 protest against the improvements or alterations, and when such
11 petition is filed, the improvements or ~~alteration~~ alterations shall
12 not be done.

13 Sec. 3. Original section 14-3,127, Reissue Revised
14 Statutes of Nebraska, and section 14-3,107, Revised Statutes
15 Supplement, 2002, are repealed.